Practitioner's Docket No. T&L: 8003.001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shah, Chetan	Group Art Unit: 3629
Serial No.: 09/757,322	Examiner: Ouellette, Jonathan P
Filed : 01/09/01	
Title : EMPLOYMENT RECRUITING SYSTEM	

Chernoff, Vilhauer, McClung & Stenzel, L.L.P.
1600 ODS Tower
601 SW Second Avenue
Portland, Oregon 9720411
Telephone No. (503) 227-5631
FAX No. (503) 228-4373

November 25, 2003

RECEIVED

DEC 0 4 2003

GROUP 3600

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF ON BEHALF OF APPLICANTS

Dear Sir:

BACKGROUND

This brief is in furtherance of the Notice of Appeal, filed herewith for this case.

The fee required under 37 C.F.R. § 117 accompanies the Notice of Appeal.

This brief is transmitted in triplicate. (37 C.F.R. 1.192(a))

This brief comprises these subjects under the headings, and in the order, set forth below:

I.   Real Party in Interest

II.   Related Appeals and Interferences

III.   Status of Claims

IV.   Status of Amendments

V.   Summary of Invention

VI.   Issues

The final page of this brief bears the practitioner's signature.

Real Party in Interest

The real parties in interest in this appeal are the party in the caption of this brief and the co-inventors, Badri Malynur and Eric Smith, who all have assigned their rights to Northwest Software, Inc.

Related Appeals and Interferences

On June 30, 2003, a Notice of Appeal and an Appeal Brief were filed in response to an Office action, dated April 3, 2003, finally rejecting all claims of this application. The appellants are uncertain of the status of the Appeal of June 30, 2003.

The Office action of August 28, 2003 purports to respond to the Appeal Brief and, asserting that the "applicant's amendment necessitated the new ground(s) of rejection," finally rejects all claims on a combination of new art and art and reasons relied on in the April 3 Office action. The appellants respectfully submit that no amendment has been offered subsequent to final rejection in the April 3 Office action (see Status of Amendments below). Further, the appellants submit that while the August 28 Office action may have rendered the earlier rejection moot, the arguments in the Appeal Brief are not "moot in view of the new ground(s) for rejection" in either this appeal or the appeal of June 30 because the office action of August 28 does not address arguments raised in the Appeal Brief related to art and reasons common to both Office actions.

Status of Claims

    A.   Total Number of Claims in the Application -   20

    B.   Status of All Claims

                           Claims canceled: None

                           Claims withdrawn: None

                           Claims pending: 1-20

                           Claims allowed: None

                           Claims rejected: 1 - 20

    C.   Claims on Appeal   1-20

A copy of the claims on appeal is set forth in the Appendix to this Brief.

Status of Amendments

No amendment has been filed subsequent to final rejection in the Office action of April 3, 2003.

Summary of the Invention

The application relates to an employment recruiting system and, more particularly, a method and system for automating services related to employment recruiting (pg. 1, lines 9-11).

The objective of employment recruiting is to locate and qualify candidates for available positions of employment and generally, requires communicating the availability of a job opening to persons who may be interested in the position, establishing contact between potential job candidates and employers, and screening and interviewing a group of candidates to identify the candidate or candidates most suited for the position (pg. 1, lines 12-17). When a position of employment becomes available, a position advertisement, typically including the job title; the job duties; and education, skills and certification requirements for the position is usually prepared and communicated to potential candidates by publication in print media, such as newspapers and magazines, or by posting on one or more billboard type web sites (pg. 6, lines 4-20).

A position advertisement may also be submitted to the recruiting system of the present invention for inclusion in a positions database, a computer searchable data structure (pg. 7, lines 6-10). The system can display template screens facilitating the description of a

position's duties and the desired qualifications of a candidate, including a single line entry form. (pg. 7, lines 17-22). The single line entry form provides a crisper description of the job requirements and candidate qualifications permitting more accurate and thorough automated screening of potential candidates and facilitating a focused response from the candidate emphasizing the correspondence of the candidate's experience and the specific needs of the employer (pg. 7, line 17 - pg. 8, line 8). The system also includes job templates providing predefined single line job description elements and prompts the user to associate keywords and screening questions with the position advertisement for automated searching and candidate pre-screening (pg. 8, lines 15 - pg. 9, line 6).

Job seekers or candidates can post a resume to or modify an existing resume in the candidate database or search positions in the positions database and the system can display resume templates to facilitate the automated processes of the recruiting system and manual review of candidate resumes (pg. 9, lines 7-17). E-mail messages can be directed to or from the candidate through the recruiting system, providing an opportunity for a focused response by the candidate emphasizing the correspondence of the candidate's experience, training, and skills to the requirements of the position advertisement (pg. 9, lines 18-30).

Many of the automated functions of the recruiting system are performed by a recruiting robot comprising a data processing device including a set of instructions that causes the robot to search the candidate database and designated resume databases of outside resources to locate candidates matching the requirements of the stored position advertisements (pg. 10, lines 11-16). Outside resources can include company web sites, electronic bulletin boards providing free or "for fee" access to resume databases, and web-based news groups of interest to certain occupations or groups. Search parameters, including keywords, database identities, and the periodicity of searches are associated with a position advertisement. As instructed in the search parameters associated with a position advertisement, the robot periodically obtains the appropriate keywords and searches the appropriate databases for potential candidates to fill the position (pg. 10, lines 19-29).

The robot includes a scoring instruction that scores the candidate's resume, typically as a function of the occurrences of keywords in the resume and any significance assigned to keywords in the search parameters. The robot will download the resume and, if the scoring exceeds a threshold, invite the candidate to apply for the position (pg. 10, line 29 - pg. 11, line 8). The robot periodically repeats the search of the specified databases as instructed in the search parameters (pg. 11, lines 7-9).

-4-

When the robot 38 identifies a potential candidate either from the candidate database or the database of an outside resource, it extracts the candidate's e-mail address from the resume, sends e-mail to the potential candidate inviting the individual to apply for the advertised position, and periodically requests an update of the candidate's availability (pg. 12, lines 3-24).

The robot can be directed to contact candidates and request a response to pre-screening questions associated with the position advertisement (pg. 11, lines 18-21). When the candidate contacts the system, the pre-screening questions are displayed and answers are accepted, scored and reported to the recruiter associated with the position advertisement (pg. 11, lines 21-29).

When directed by the recruiter and the candidate, the recruiting system can contact references listed in the candidate's resume and store responses in association with the candidate's resume and forward the response to the recruiter (pg. 12 line 30 - pg. 13, line 5).

When the hiring manager receives a group of resumes to consider, the high level screening has been completed and the most suitable candidates identified. Since many of the tasks involved in locating and qualifying job candidates are performed with little or no human intervention, the time and expense of hiring activities can be substantially reduced (pg. 13, lines 6-14).

<u>Issues</u>

I. Are claims 1-3, 6-10, and 15-18 patentable under 35 U.S.C. 103(a) over www.monster.com, screen print, 1/24/1998 (Monster) in view of www.simpatix.com, retrieved from Internet Archive Wayback Machine, <www.archive.org>, data range 11/16/1999 - 1/29/2000, screen print (Simpatix)?

III. Are claims 4-5, 11-14 and 19-20 patentable under 35 U.S.C. 103(a) over www.monster.com, screen print, 1/24/1998 (Monster) in view of www.simpatix.com, retrieved from Internet Archive Wayback Machine, <www.archive.org>, data range 11/16/1999 - 1/29/2000, screen print (Simpatix) and further in view of Fredrickson et al., US Pub. No. 2002/0019768 A1 (Fredrickson)?

<u>Grouping of Claims</u>

For the purposes of this appeal each of the following groups of dependent claims are separately patentable for the reasons stated in the Argument section of this Brief:

    A. Claim 2

    B. Claim 3

    C. Claims 4 and 5

    D. Claim 6

    E. Claim 7

    F. Claims 8, 9, and 10

    G. Claim 12

    H. Claim 13

    I. Claim 18

    J. Claims 19 and 20

<u>Argument</u>

I. Are claims 1-3, 6-10, and 15-18 patentable under 35 U.S.C. 103(a) over www.monster.com, screen print, 1/24/1998 (Monster) in view of www.simpatix.com, retrieved from Internet Archive Wayback Machine, <www.archive.org>, data range 11/16/1999 -1/29/2000, screen print (Simpatix)?

Independent claims 1 and 15 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over www.monster.com, screen print, 1/24/1998 ("Monster") in view of www.simpatix.com, retrieved from Internet Archive Wayback Machine, <www.archive.org>, data range 11/16/1999 -1/29/2000, screen print (Simpatix). The appellants submit that for a claim to be obvious under 35 U.S.C. 103, there must be some suggestion or motivation in either the references themselves or the knowledge generally to modify or combine the reference teachings, a reasonable expectation of success, and the references must teach or suggest all of the claim limitations (see MPEP 2143). According to the office action (pg. 2, para. 3), Monster discloses a method of employment recruiting, but the office action concedes that Monster fails to expressly disclose steps (d), (e) and (f) of the method and system of claims 1 and 15; that is, Monster does not disclose associating a search periodicity with a position advertisement; upon expiration of a period substantially equal to the search periodicity,

searching a candidate database for a resume including a specified keyword (pg. 2, para. 4); and scoring a candidate resume identified by the search as a function of the keyword (pg. 3, para. 7).

The office action concedes that neither Monster nor Simpatix disclose searching a resume database upon expiration of a search period, but the office action asserts that Monster teaches "performing continuous resume search" through a system called "Cruiter" (pg. 3, para. 5) and that it would have been obvious to modify the teaching of Monster to perform periodic searching (pg. 3, para. 6). The office action does not state a basis for concluding that Monster teaches a system performing continuous resume searching or for categorizing the system as "24/7 continuous searching" (pg. 3, para. 6). The appellants respectfully submit that to anticipate and, therefore, to provide a basis for a conclusion of obviousness, the description in the prior art publication "must be so particular and definite that from it alone, without experiment or the exertion of his own inventive skill any person versed in the art to which it appertains could construct and use it. *In re LeGrice,* 133 USPQ 365, 369, 49 CCPA 1124, (CCPA 1962) referencing ROBINSON ON PATENTS, sec. 330 entitled "Prior Publication: Publication Must Fully Communicate the Invention to the Public."

The appellants submit that "continuous searching" would be very resource intensive and inefficient and, therefore, should not be presumed from Monster. Resumes are discrete and added intermittently to a database and employment recruiting does not typically require instantaneous identification of a new addition to a resume database. Therefore, once a resume database has been searched, there is, generally, no reason to search again until it is anticipated that at least one new resume has been added. Continuously searching, even with nanosecond delays to accommodate the hardware, as suggested in the office action, would fully occupy the searching computer with a single search.

In response, the office action asserts that "neither the specifications, drawings, nor claims explain the advantage of periodic searching for candidates." The appellants respectfully submit that the specification includes a description of the employment recruiting process and the specifications, drawings, and claims describe the invention. The appellants respectfully submit there is no requirement that the application contrast the invention to every other real, or imaginable, system or methodology. In any event, the appellants assertions concerning continuous searching are not intended to assert an advantage for periodic searching, but to suggest that continuous searching, would be an inefficient use of resources and, therefore,

while Monster is vague, it is unlikely that continuous searching is disclosed by Monster as presumed by the office action.

Page 5 of the Monster screen print does state that the "resume search agent will search high and low and 'round-the-clock to deliver the best prospects right to you." Continual or "'round-the-clock" availability to search is a characteristic of computer-based searching; for example, see Simpatix, page 2, stating "users can get on the system 24/7." The appellants respectfully submit the phrase used in Monster is, at least, equally descriptive of a system that is available at all times for user initiated manual searches as it is descriptive of a system that continuously searches. The appellants respectfully submit that the disclosure in Monster is insufficient to permit a person of reasonable skill in the art to make or comprehend a "continuously searching system" as suggested in the office action and, further, it is insufficient to provide a basis for concluding that whatever system is disclosed in Monster could be modified with a reasonable expectation of success to create the method and system of claims 1 and 15. In addition, the appellants respectfully submit that neither Monster nor Simpatix provide a motivation for or suggest modifying whatever system is disclosed in Monster to create the method and system recited in the claims. Even the office action does not suggest a motivation for modifying Monster, concluding that the "system of Monster appears to be an improvement on the claimed invention."

The office action concedes, that Monster does not disclose associating a search periodicity with a position advertisement and searching a candidate database for a resume upon expiration of a period substantially equal to the search periodicity. The appellants respectfully submit, for the reasons set out above, that the prior art lacks any suggestion or motivation for modifying the disclosure of Monster to create the claimed method and system and the disclosure of Monster is insufficient to provide a basis for concluding that the system of Monster could be modified with a reasonable expectation of success to incorporate limitations that the Office action concedes are not included in Monster.

The office action also concedes that Monster fails to expressly disclose a method that includes the step of scoring a candidate resume identified by a search as a function of a keyword but, according to the office action, Simpatix discloses "scoring an applicant pool using resume keywords." (page 3, paragraph 8). To the contrary, Simpatix states that "candidates are ranked" using the eCAT™ branded candidate assessment technology "using customizable online questionaires." (Simpatix, page 3-4). The appellants respectfully submit that Simpatix ranks candidates on the basis of their responses to questionnaires, not on the basis keywords

in a candidate's resume. While Simpatix provides a means of ranking candidates that have established communication with an employer, by posting a response to a questionnaire at the employer's website (Simpatix, page 6), the appellants submit that ranking candidates according to responses to a questionnaire is not useful when a candidate has not communicated with the potential employer and is known only by his/her resume obtained by a search of a resume database. The appellants respectfully submit that Simpatix does not rank, or suggest ranking, a candidate on the basis of keyword scoring of a resume. In addition, Simpatix does not suggest or provide a motivation for modifying questionnaire based ranking to provide resume keyword scoring and the disclosure of Simpatix is insufficient to determine whether the eCAT candidate assessment technology could be modified, with a reasonable expectation of success, to score a resume returned by a search. Further, the appellants submit that questionnaire based ranking (Simpatix) cannot be used to rank candidates known only by a resume returned by a resume search (Montster) and neither Monster nor Simpatix suggests or provides a motivation for the combination proposed by the office action.

The appellants respectfully submit that claims 1 and 15 are not obvious from the combination of Monster and Simpatix because neither Monster nor Simpatix nor the combination thereof suggests a method or system for identifying a candidate for employment including all of the limitations of claims 1 and 15; suggest or provide a motivation for modifying or combining the respective disclosures to create the method or system recited in the claims; or provide disclosures sufficient to determine that Monster and Simpatix could be modified and combined, with a reasonable expectation of success, to produce the claimed system and method. The appellants respectfully request reversal of the rejection of claims 1 and 15.

Claims 2, 3, 6-10, and 16-18 are dependent from independent claim 1 or claim 15 or a claim dependent from claim 1 or claim 15 and inherit all of the limitations of the claim from which each depends. Since claims 1 and 15 are not obvious from the combination of Monster and Simpatix for the reasons set out above, dependent claims 2, 3, 6-10, and 16-18 are, likewise, not obvious from the combination of Monster and Simpatix. See *In re Fine*, 837 F2d 1071, 5 USPQ2d 1956 (Fed Cir 1988) which held that a claim, depending from an independent claim which is nonobvious under §103, is not obvious.

Further, with regard to claim 2, the office action does not identify where Simpatix discloses, and the appellants submit Simpatix does not disclose, scoring a resume by identifying a number of occurrences of a keyword and comparing the number of occurrences to a threshold. The appellants respectfully submit that claim 2 is not obvious from Monster and Simpatix for this additional reason and respectfully request reversal of the rejection.

Further, with regard to claim 3, the office action does not identify where Simpatix discloses, and the appellants submit Simpatix does not disclose, assigning a significance to a keyword and influencing the scoring of a resume as function of the assigned significance. The appellants respectfully submit that claim 3 is not obvious from Monster and Simpatix for this additional reason and respectfully request reversal of the rejection

Further, with regard to claim 6, the appellants also respectfully submit that Monster does not disclose associating an identify of a computer searchable database with a position advertisement and, as stated with regard to claim 1, submit that the step of searching the associated database in response to expiration of a search periodicity associated with the position advertisement is not obvious from Monster. The appellants submit that claim 6 is not obvious from the combination Monster and Simpatix because neither Monster nor Simpatix nor the combination thereof suggests a method of identifying a candidate for employment having all of the limitations of claim 6, suggest or provide a motivation for modifying or combining the respective disclosures to create the method of claim 6, or provide sufficient disclosure so that it is possible to conclude that the modification and combination of Monster and Simpatix necessary to create the method of claim 6 is reasonably likely to succeed. The appellants respectfully request reversal of the rejection of claim 6.

In addition with regard to claim 7, the appellants respectfully submit, contrary to the office action, that neither Monster nor Simpatix discloses or suggests searching a network accessible database of resumes and copying a resume to another database on the basis of an occurrence of a keyword in the text of the resume. The appellants respectfully submit that claim 7 is not obvious from the combination Monster and Simpatix because neither Monster nor Simpatix nor the combination thereof suggests a method of identifying a candidate for employment having all of the limitations of claim 7, suggest or provide a motivation for modifying the respective disclosures to create the method of claim 7, or provide sufficient disclosure so that one could conclude that the modification and combination of the references necessary to create the method of claim 7 is reasonably likely to succeed. The appellants respectfully request reversal of the rejection of claim 7.

Further, with regard to claim 8, and, therefore, dependent claims 9 and 10, the appellants submit that neither Monster nor Simpatix discloses or suggests a position advertisement template, including at least one candidate qualification entry that comprises no more than one candidate qualification or suggest a motivation for creating such a template. The appellants respectfully submit that dependent claims 8, 9, and 10 are not obvious from the combination of Monster and Simpatix because Monster and Simpatix do not disclose all of the limitations of the claims or suggest or provide a motivation for modifying the respective disclosures to create the method of the claims. The appellants respectfully request reversal of the rejection of claims 8, 9, and 10.

With regard to claim 18, the appellants respectfully submit that Simpatix ranks candidates on the basis of responses provided by the candidates to a questionnaire and contains no suggestion that candidate resumes be scored on the basis of an occurrence of a character string comprising a keyword. The appellants respectfully request reversal of the rejection of claim 18.

III. Are claims 4-5, 11-14 and 19-20 patentable under 35 U.S.C. 103(a) over www.monster.com, screen print, 1/24/1998 (Monster) in view of www.simpatix.com, retrieved from Internet Archive Wayback Machine, <www.archive.org>, data range 11/16/1999 -1/29/2000, screen print (Simpatix) and further in view of Fredrickson et al., US Pub. No. 2002/0019768 A1 (Fredrickson)?

Claim 4 is dependent from independent claim 1, claim 5 is dependent from claim 4 and claims 4 and 5 inherit all of the limitations of the claims from which they depend. Since claim 1 is not obvious from the combination of Monster and Simpatix for the reasons set out above, dependent claims 4 and 5 are not obvious from the combination of Monster and Simpatix for at least the reasons set out above with regard to claim 1. Further, the office action concedes with respect to claim 11, that Monster and Simpatix fail to disclose automatically requesting and scoring a response to a screening question. The office action asserts that Fredrickson teaches incorporating a screening system with an employment system. Fredrickson was filed January 2, 2001 and claims the benefit of the U.S. Provisional Application, serial No. 60/173,669, which, according to paragraph 0001, was filed December 30, 2000. With the amendment of February 25, 2003, the applicants filed a

Declaration of Prior Invention in the United States to Overcome a Cited Patent or Publication asserting invention by at least February 14, 2000 (Exhibit A). The appellants respectfully submit that Fredrickson is not prior art to the instant application. The appellants respectfully submit that claims 4 and 5 are not obvious from the combination of Monster, Simpatix, and Fredrickson because, in addition to the reasons stated above with regard to claim 1, the prior art does not disclose all of the limitations of claims 4 and 5. The appellants respectfully request reversal of the rejection of claims 4 and 5.

With regard to claim 11, the office action asserts (as explained with regard to claims 1 and 15) that Monster and Simpatix disclose a method of employment recruiting comprising the steps (a) - (g) of claim 11. To the contrary, the appellants submit, for the reasons stated above with regard to claims 1 and 15, that the combination of Monster and Simpatix does not disclose or make obvious a method of employment recruiting including the steps of associating a search periodicity parameter in a computer searchable database; initiating a computer search of at least one computer searchable candidate database for a candidate resume including the prescribed keyword in response to expiration of a period substantially equal to the search periodicity parameter; scoring a candidate resume identified by the search as a function of an included keyword; and including an identification of a candidate associated with the resume in a result reportable to a user if the keyword score of the resume at least equals a threshold keyword score. In addition, the office action concedes that Monster and Simpatix fail to disclose a method including steps (h)-(j) recited in claim 11, but the office action asserts that Fredrickson teaches incorporating a screening system with an employment system (Abstract, para. 0163-0164). However, for the reasons stated above, the appellants submit that Fredrickson is not prior art to the application. The appellants respectfully submit that claim 11 is not obvious from the combination Monster, Simpatix and Fredrickson because neither Monster nor Simpatix nor the combination thereof suggests or provide a motivation for modifying and combining the respective disclosures as suggested in the office action; there is insufficient disclosure to permit the suggested modifications and combination to proceed with a reasonable expectation of success; and because Fredrickson is not prior art to the application and the office action concedes that Monster and Simpatix, even if modified and combined, would not suggest a method of employment recruiting having all of the limitations of claim 11. The appellants respectfully request reversal of the rejection of claim 11.

Claims 12 - 14 are dependent from independent claim 11 and inherit all of the limitations of the claim from which they depend. Since claim 11 is not obvious from the combination of

-12-

Monster, Simpatix, and Fredrickson for the reasons set out above, dependent claims 12 - 14 are not obvious from the combination of Monster, Simpatix, and Fredrickson for at least the reasons set out with regard to claim 11.

In addition, with regard to claim 12, the office action concedes, that the combination of Monster, Simpatix, and Fredrickson fail to disclose a step of requesting candidate approval of contact with an employment reference; automatically requesting a response of the reference to a reference query, in response to receipt of approval of the request by the candidate; and reporting the response to the reference query to a computer user. While the examiner has taken official notice that employment reference checks were known at the time the invention was made, the appellants submit that a method of employment recruiting in which an employment reference is automatically requested to respond to a reference query and in which the response of the employment reference is reported to a computer user are not facts which are "capable of such instant and unquestioned demonstration so as to defy dispute" and, therefore, official notice, unsupported by documentary evidence, is insufficient to support a conclusion of obviousness. *In re Ahlert*, 424 F.2d1088, 1091, 165 USPQ 418, 420 (CCPA 1961).

Further, with regard to claim 13, the appellants submit that Simpatix does not disclose weighting or influencing the score of an extracted keyword or scoring a resume as a function of the significance of an included keyword.

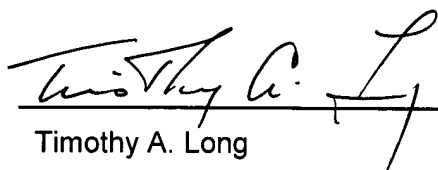The appellants respectfully request reversal of the rejection of claims 12-14.

Claim 19 is dependent from independent claim 15, claim 20 is dependent from claim 19 and claims 19 and 20 inherit all of the limitations of the claims from which they depend. Since claim 15 is not obvious from the combination of Monster and Simpatix for the reasons set out above, dependent claims 19 and 20 are not obvious from the combination of Monster and Simpatix for at least the reasons set out above with regard to claim 15. Further, the office action concedes with respect to claim 11, that Monster does not to disclose a screening system for an employment recruiting system and, therefore, relies on Fredrickson for disclosing a screening question template to be associated with an employment position. Likewise the office action relies on Fredrickson for disclosing a screening query scoring instruction as recited in claim 20. For the reasons stated above, the appellants assert that Fredrickson is not prior art to the application. The appellants respectfully submit that claims 19 and 20 are not obvious from the combination of Monster, Simpatix, and Fredrickson because the prior art does not

disclose all of the claim limitations. The appellants respectfully request reversal of the rejection of claims 19 and 20.

Conclusion

The Appellants respectfully submit that the Examiner's final rejection of claims 1-20 as obvious under 35 U.S.C. §103 should be reversed and, consequently, the claims should be found patentable.

Respectfully submitted,

Timothy A. Long

Reg. No. 28,876

Attorney for Appellants

APPENDIX

1.   A method of identifying a candidate for a position of employment, said method comprising the steps of:

      (a)   creating a position advertisement including a datum particularizing said position of employment;

      (b)   storing said position advertisement in a computer searchable position database;

      (c)   associating a keyword with said position advertisement;

      (d)   associating a search periodicity with said position advertisement;

      (e)   upon expiration of a period substantially equal to said search periodicity, searching at least one computer searchable candidate database for a candidate resume including said keyword;

      (f)   scoring a candidate resume identified by said search as a function of said keyword; and

      (g)   presenting an identity of a candidate associated with said candidate resume identified by said search to a computer user on a basis of said score.

2.   The method of claim 1 wherein the step of scoring a candidate resume identified by said search as a function of a keyword comprises the steps of:

      (a)   identifying a number of occurrences of said keyword in said candidate resume identified by said search; and

      (b)   comparing said number of occurrences to a threshold number of occurrences.

3.   The method of claim 1 further comprising the steps of:

      (a)   assigning a significance to a keyword; and

      (b)   influencing said scoring of said candidate resume as a function of said significance of said keyword.

4. The method of claim 1 further comprising the steps of:

(a) associating at least one candidate screening question with said position advertisement;

(b) upon identification of a candidate resume by said search, automatically requesting a response to said candidate screening question from a candidate associated with said candidate resume identified by said search; and

(c) scoring a response by said candidate to said candidate screening question.

5. The method of claim 4 further comprising the steps of:

(a) assigning a significance to said response; and

(b) influencing said scoring of said response as a function of said significance of said response.

6. The method of claim 1 further comprising the steps of:

(a) associating an identity of a computer searchable candidate database with said position advertisement; and

(b) searching said candidate database associated with said position advertisement upon expiration of a period substantially equal to said search periodicity.

7. The method of claim 1 wherein the step of searching at least one computer searchable candidate database comprises the steps of:

(a) storing an identity of a searchable, computer network accessible, candidate database;

(b) upon expiration of a period substantially equaling said search periodicity, accessing said computer network accessible candidate database with a computer;

(c) analyzing a text of a candidate resume stored in said computer network accessible candidate database;

(d) scoring an occurrence of said keyword in said text of said candidate resume; and

(e)   as a function of said scoring, copying said candidate resume to another candidate data base.

8.   The method of claim 1 wherein the step of creating a position advertisement comprises the steps of:

(a)   accessing a position advertisement template, said template comprising of at least one candidate qualification entry; and

(b)   including in a candidate qualification entry of said template no more than one candidate qualification.

9.   The method of claim 8 further comprising the step of identifying at least one keyword associated with a candidate qualification entry.

10.   The method of claim 9 further comprising the step of assigning a significance to said keyword.

11.   A method of employment recruiting comprising the steps of:

(a)   creating a position advertisement, including a datum particularizing a position of employment;

(b)   associating a keyword with said position advertisement;

(c)   storing said position advertisement and said keyword in a computer searchable database;

(d)   associating a search periodicity parameter in a computer searchable database;

(e)   in response to expiration of a period substantially equal to said search periodicity parameter, initiating a computer search of at least one computer searchable candidate database for a candidate resume including said keyword;

(f)   scoring a candidate resume identified by said search as a function of said included keyword;

(g)   including an identification of a candidate associated with said candidate resume in a result reportable to a computer user if said keyword score of said candidate resume at least equals a threshold keyword score;

(h)   in response to a determination that said keyword score at least equals said threshold keyword score, automatically contacting said candidate and requesting a response to at least one screening question associated with said position advertisement;

(i)   scoring a response of said candidate to said screening question; and

(j)   reporting said screening question response score in a search result presented to said computer user.

12.   The method of claim 11 further comprising the steps of:

(a)   requesting said candidate approve contact with an employment reference;

(b)   upon receipt of said approval, automatically requesting a response of said employment reference to at least one reference query; and

(c)   reporting said response to said reference query in a search result presented to said computer user.

13.   The method of claim 11 further comprising the steps of:

(a)   assigning a significance to said keyword; and

(b)   influencing said keyword score of said candidate resume as a function of said significance of said keyword.

14.   The method of claim 11 further comprising the step of automatically repeating said search in response to expiration of a period substantially equal to said search periodicity parameter associated with said position advertisement.

15.   An employment recruiting system comprising:

(a)   a searchable first data structure storing data associated with an employment position, said data including a keyword;

(b)   a searchable second data structure storing data related to a candidate for employment including a candidate resume; and

(c)   a data processing device to search said second data structure for a candidate resume including said keyword, said search proceeding in response to expiration of a search periodicity associated with said employment position.

16.   The system of claim 15 further comprising:

    (a)   a searchable third data structure, accessible from a computer network, said third data structure storing at least one candidate resume; and

    (b)   a network interface enabling said data processing device to search said third data structure for a candidate resume including said keyword.

17.   The system of claim 15 wherein said data processing device comprises:

    (a)   a parser instruction to decompose said candidate resume to text; and

    (b)   a matching instruction to identify a character string corresponding to said keyword in said text.

18.   The system of claim 15 wherein said data processing device comprises a resume scoring instruction to score said candidate resume as a function of an occurrence of a character string corresponding to said keyword.

19.   The system of claim 15 wherein said data processing device comprises:

    (a)   a position advertisement template user interface including at least one candidate qualification entry to be associated with said employment position; and

    (b)   a screening question template user interface comprising at least one candidate screening query to be associated with said employment position.

20.   The system of claim 18 wherein said resume scoring instruction further comprises a screening query scoring instruction to score a response to a candidate screening query as a function of a significance weight associated with said candidate screening query.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shah, Chetan

Group Art Unit: 3629

Serial No.: 09/757,322

Examiner: Ouellette, Jonathan P

Filed   : 01/09/01

Title   : EMPLOYMENT RECRUITING SYSTEM

Chernoff, Vilhauer, McClung & Stenzel, L.L.P.
1600 ODS Tower
601 SW Second Avenue
Portland, Oregon 97204
Telephone No. (503) 227-5631
FAX No. (503) 228-4373

February 11, 2003

Assistant Commissioner for Patents
Washington, DC 20231

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
TO OVERCOME A CITED PATENT OR PUBLICATION (37 CFR ' 1.131)

Dear Sir:

PURPOSE OF THE DECLARATION

1. This declaration is to establish completion of the invention in this application in the United
    States, at a date prior to June 8, 2000, the filing date of the Provisional Patent Application
    No. 60/210,206, the benefit of which is claimed by Thomas, U.S. Patent Application
    Publication, US 2002/0055870A1 that was cited as prior art by the examiner.

2. The persons making this declaration are inventors.

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached
    document is submitted as evidence: EZRECRUIT SYSTEM REQUIREMENTS DOCUMENT
    (DRAFT), Revision 0.3, 2/14/2000. The document is a high level specification describing the
    invention that is the subject of this application. From this document, it can be seen that the
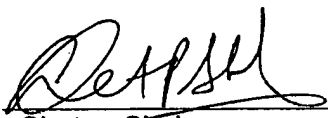
1

invention in this application was made at least by February 14, 2000 which is a date earlier than the effective date of the reference.
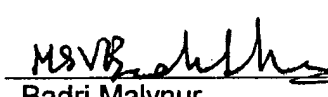
4. This declaration is submitted prior to final rejection.

DECLARATION

5. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature	Date 2/18/2003.
First inventor	Chetan Shah
Citizenship	US
Residence	Portland, Oregon
Post Office Address	14245 N.W. Melody Lane
Portland, Oregon 97229

Inventor's signature	Date 2/18/2003.
Second inventor	Badri Malynur
Citizenship	US
Residence	Beaverton, Oregon
Post Office Address	16523 S.W. McGwire Ct.
Beaverton, Oregon 97007

2